

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**FRANK C. WARNER**

**PLAINTIFF**

**v.**

**No. 3:18-cv-169-DPM**

**US DEPARTMENT OF EDUCATION,  
Betsy DeVoss, Secretary**

**DEFENDANT**

**ORDER**

Renewed motion, *No. 25*, noted. Because this case is proceeding on an administrative record, the Court should have amended its Scheduling Order but failed to do so. An Amended Final Scheduling Order will issue.

Warner's renewed motion is, in substance, one for judgment as a matter of law on the administrative record. The Court directs the Clerk to update the docket: *No. 25* is Warner's motion for judgment; *No. 26* is his brief in support; and *No. 27* is his statement of undisputed material facts. If he wishes to do so, Warner may file a substituted statement of facts with specific references to the administrative record. He may also file a substituted brief with argument about the standard of review. Any substituted statement or substituted brief must be filed by 22 November 2019.

The United States' response to Warner's motion, and its cross motion for judgment, is due by 20 December 2019. Warner may reply by 17 January 2020.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

7 November 2019